

MEMORANDUM

TO: Ms. Margarita Olopai-Taitano, Chairperson of Personnel
Committee – NMC Board of Regents
FROM: Director, Human Resources

SUBJECT: Eligibility List


Date: 7/14/04

| Announcement No | Position Title | Opening Date | Closing Date |
|-----------------|------------------|--------------|--------------------------------|
| 04-029 | President | 6/11/04 | 7/09/04* extended closing date |

Attached is the application for consideration and review of the Selection Committee.

The applicants eligible for the position are:

| | Name | Date & Time |
|---|-----------------------------|-----------------|
| 1 | Dr. Judith Guthertz | 7/20 – 10:30 am |
| 2 | Dr. Jack Angello | 7/20 – 1:00 pm |
| 3 | Mr. Edward Camacho | 7/20 – 2:30 pm |
| 4 | Dr. John Joyner | 7/21 – 9:00 am |
| 5 | Mr. Antonio Deleon Guerrero | 7/21 – 10:30 am |
| 6 | Dr. Carmen Fernandez | 7/21 – 1:00 pm |
| | <i>Nothing Follows</i> | |
| | | |



Elsie Dela Cruz

attach(s): Application forms





Northern Marianas College
 P.O. Box 501250 CK
 Saipan, MP 96950
 Phone: (670) 234-5498/3690
 Fax: (670) 235-3696
 Website: <http://www.nmcnet.edu>

VACANCY ANNOUNCEMENT

Announcement No. 04-029

It is the policy of Northern Marianas College that equal opportunity be given to all qualified applicants without regard to age, race, gender, marital status, place of origin, religion, disability status, political affiliation or family relationship. The college reserves the right to waive or implement other qualifications to meet its needs and the right to reject all applicants or withdraw the vacancy should NMC determine such a position is no longer needed or able to be filled. The College is an Equal Opportunity Employer.

| | |
|-----------------------|---------------------------------------|
| POSITION TITLE: | President |
| Pay Level & Step: | Ungraded |
| Annual Salary: | \$80,000.00** |
| Location: | As Terlaje Campus, Saipan |
| Opening Date: 6/11/04 | Closing Date: 6/25/04 or Until Filled |

Applications must be submitted by 4:30pm on closing date. If not filled, every two weeks thereafter until search is closed. Deadlines that fall on a non-business day will be extended to the next business day.

Nature of the Position:

The President is the chief executive officer of the Northern Marianas College, and in this capacity is charged with full administrative responsibility for the College. The Board of Regents judiciously recognizes and supports the President as the major line of communication between the Board and the internal and external College community. In this capacity as the Board's Liaison, the President informs the Board of such communications, and is guided by the policies, general directions, and financial guidelines established by the Board.

The President's fundamental responsibility is to develop and maintain an institution that fulfills the mission and achieves the goals of the Northern Marianas College in accordance with the Mission Statement set forth in Article XV of the CNMI Constitution and in accordance with the Postsecondary Education Act of 1984, as amended, and in the Postsecondary Education Amendment Acts of 1992 and 1995. This implies a commitment to the philosophy of a comprehensive community college and an understanding that the President's energies must be directed towards the realization of such.

The President is an educational leader of the Commonwealth, and as such represents the College in the community. The President recommends policies to the Board, and is authorized by the Board to exercise broad discretionary powers according to the policies, goals, and general directions established by the Board for the College.

Duties and Responsibilities:

- Being responsible for the organization and administration of the College and for the coordination of its entire instructional program;
- Providing direction and leadership in the development and implementation of a research, planning, and evaluation system to assure institutional effectiveness and that the results of such activity will be used for institutional improvement and the establishment of priorities;
- Ensuring that various entities of the College have a substantive and clearly-defined role in institutional governance;
- Overseeing institutional adherence to the Standards of the Accrediting Commission so as to assure continuing accreditation of the College;
- Recommending to the Board new and revised policies and establishing administrative procedures for
 - Board operations
 - Finance and procurement
 - Educational programs

Vacancy Announcement 04-029

Northern Marianas College is accredited by the Accrediting Commission for Community and Junior Colleges and by the Senior Commission of Colleges and Universities of the Western Association of Schools and Colleges.



- Human resources
 - Student services
 - Administrative services
- Developing an effective program of staff evaluation and improvement;
 - Preparing a budget in line with the needs of the College, and approving expenditure of funds appropriated to the College by the federal or Commonwealth government or donated to the College by any other entity;
 - Guiding capital improvement activities and ensuring safe and adequate facilities and grounds in order to maintain a quality learning environment;
 - Representing the College to the community and maintaining an adequate public information service;
 - Maintaining open and adequate channels of communication with the internal and external College community;
 - Entering into contracts, cooperative agreements, and such other transactions as may be helpful to conduct the business of the College;
 - Appointing and terminating staff and faculty consistent with applicable Human Resources rules and regulations;
 - Accepting gifts, grants, donations, bequests, or other contributions on behalf of the Board and depositing the same in a College Trust Fund for the exclusive use and expenditure of the College, as approved by the Board;
 - Formulating reports required by local and federal agencies;
 - Approving regulations and activities of groups and organizations functioning within the College; and
 - Subject to prior review and approval by the Board, establishing respective faculties and staff for the various departments and other divisions of the College, approving their programs and courses of studies, and modifying or disestablishing the same as the President may deem most appropriate to carry out the policies, goals, and general directions established by the Board for the College.

Minimum Qualifications:

Masters degree in Education, Business, or Public Administration or related field from U.S. recognized institution; plus five (5) years of progressively responsible education administration experience preferably in a community college or similar higher education and five (5) years of post secondary teaching experience.

How to Apply:

Employment application forms are available at the Human Resources Office of the College and a pdf. file can be downloaded from our website: <http://www.nmcnet.edu> using Adobe Acrobat. All applications should include unofficial school transcripts, copy of diploma or certificates, police clearance, a copy of a valid passport, a curriculum vitae, a letter explaining relevant experience, and four professional references to be submitted to the HR Office no later than the closing date of the Announcement.

****Please note:** This position may be filled upon the availability of funding.

Northern Marianas College
Office of Human Resources

QUALIFICATION EVALUATION WORKSHEET

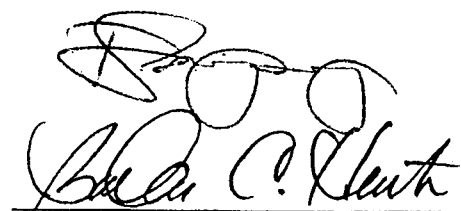
Name Dr. Jack Angello Appl / X / EE / /
Vacancy / Position PRESIDENT EA / PC # 04-029


I. Comparative Quantitative Summary: Position vs. Applicant:

| CV <input type="checkbox"/> | Position | Applicant | <u>Comments</u> |
|--|---------------------|-------------------------|-----------------|
| Letter <input type="checkbox"/> | <u>Requirements</u> | <u>Qualifications</u> | |
| Trans <input type="checkbox"/> | | (Full & Partial) | |
| Refs <input type="checkbox"/> | | | |
| Education: | <u>MA</u> | <u>Ed.D.(Education)</u> | |
| Experience: | <u>5 Admin</u> | <u>6 years</u> | |
| Others: | <u>5 PST</u> | <u>6 yrs. 3 mos.</u> | |
| Numerical Comparison (Substitution) | <u>12 yrs</u> | | |

II. Placement:

- a. Meets Qualifications Requirements? Yes / x / No. / /
b. If yes, exceeds by how many years / months: Yrs Mos
(1 year, Admin/6 yrs.3 mos. PST)
c. If no to #1 above, lacks how many years / months: Yrs Mos
d. Salary (PI and step) qualified for:


Reviewing Personnel Specialist 7/14/04
Date 7/14/04


Approving Personnel Supervisor 7-15-04
Date



DANILO T. AGUILAR
Attorney at Law
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First Floor, San Jose Court Building
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Saipan, MP 96950
TELEPHONE: (670) 234-8801
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Attorney for Plaintiff
John (Jack) Angello

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

JOHN (JACK) ANGELLO,

Plaintiff,

v.

NORTHERN MARIANAS COLLEGE,

Defendant.

CIVIL CASE NO. 03-0014

**PLAINTIFF'S FIRST REQUEST
FOR ADMISSIONS**

PROPOUNDING PARTY:

Plaintiff John Jack Angello ("Angello")

RESPONDING PARTY:

Defendant Northern Marianas College
("NMC")

Pursuant to Rule 36 of the Federal Rules of Civil Procedure, you are instructed to respond to these Requests for Admissions enumerated below herein within thirty (30) days from the date of service hereof, otherwise the same shall be deemed admitted for purposes herein, pursuant to Rule 36.

In preparing your responses to these Requests for Admissions, you are reminded that Rule 36(a) provides that answers to Requests for Admissions shall specifically deny the matter requested or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. Moreover, any denial must fairly meet the substance of the requested admission, and that if good faith

**PLAINTIFF'S
EXHIBIT**

113

- 1 2. That on 2/4/97 NMC recommended Angello for a Step Increase
2 of salary for performing "above and beyond the call of duty."

3 Admit: _____ Deny: _____
4

- 5 3. That NMC appointed Dr. Jack Angello as the Acting Dean of
6 Adult, Continuing and Technical Education on August 18, 1997.

7 Admit: _____ Deny: _____
8

- 9 4. That NMC's Human Resources Office (HRO) acknowledged the
10 receipt of a 12/13/99 memo from Angello, which had an
11 attached 12/7/99 letter sent to the Hawaii EEOC office with the
12 attached NMC/HRO 11/12/99 memo: Subject: Recommendation
 for Settlement-Grievance for Dr. Jack Angello.

13 Admit: _____ Deny: _____
14

- 15 5. That NMC never conducted male sexual harassment training for
16 Dr. Barbara Moir from 11/12/99 to 9/24/02.

17 Admit: _____ Deny: _____
18

- 19 6. That Angello filed a new 3/9/01 grievance and EEO complaint
20 (approximately 300 pages in length) that referenced the Pacific
21 Rim Academy Program and other concerns, which was received
22 by the NMC President's Office and the Board of Regents (BOR)
 on 3/9/01.

23 Admit: _____ Deny: _____
24

- 25 7. That Angello submitted a 6/20/01 memo to NMC and NMC's
26 BOR, requesting the status of the 3/9/01 grievance/EEO
 complaint.

27 Admit: _____ Deny: _____
28

- 1 8. That NMC/HRO sent a 7/2/01 e-mail to Angello, concerning the
2 6/20/01 memorandum to the NMC President.

3 Admit: _____ Deny: _____
4

- 5 9. That NMC's Special Assistant for BOR Affairs sent a 5/15/02
6 memo to Angello concerning the 6/20/01 memo from Angello to
7 NMC.

8 Admit: _____ Deny: _____
9

- 10 10. That Angello submitted a 6/3/02 memo to NMC's HRO and
11 BOR, concerning the status of the 3/9/01 grievance.

12 Admit: _____ Deny: _____
13

- 14 11. That Angello retained an attorney on 6/14/02, concerning the
15 3/9/01 grievance/EEO complaint.

16 Admit: _____ Deny: _____
17

- 18 12. That on 5/30/02 Angello was denied being placed on the
19 eligibility list for the Dean's position (VA#02-023), due to
20 NMC's stating that he had a lack of the required three (3) years
21 of postsecondary teaching experience.

22 Admit: _____ Deny: _____
23

- 24 13. That on 7/22/02 Angello was denied being placed on the
25 eligibility list for the President's position (VA#02-021), due to
26 NMC's stating that he had a lack of the required five (5) years
27 of postsecondary teaching experience.

28 Admit: _____ Deny: _____

1 14. That according to an official 2002 NMC/HRO "Qualification
2 Evaluation Worksheet," Angello had 6.3 years of postsecondary
3 teaching experience.

4 Admit: _____ Deny: _____

5
6 15. That on 2/13/02 NMC placed the Technical Trades Department
7 in the Division of Instruction as the Vocational Education
8 Department, with Dr. Jack Angello still the head of the
9 department.

10 Admit: _____ Deny: _____

11 16. That NMC Board of Regents' Organizational Chart (Board
12 Operations 1002) officially listed the Vocational/Technical
13 Department on September 24, 2002.

14 Admit: _____ Deny: _____

15
16 17. That on September 18, 2003, NMC had its proposed Board
17 Operations Policy 1000-1029 published in the Commonwealth
18 Register, Volume 25, Number 8, which removed the NMC
19 Organizational Chart.

20 Admit: _____ Deny: _____

21 18. That from 1996 to the present the NMC Vocational
22 Education/Technical Trades Department has had several active
23 Associate Degree Programs.

24 Admit: _____ Deny: _____

25
26 19. That on 2/6/03, NMC stated that a Vocational Technical
27 Institute with vocational programs on Saipan, Tinian and Rota
28 still existed, and Jack Sablan is the Director.

Admit: _____ Deny: _____

1 20. That during his employment at NMC, Angello taught both NMC
2 and University of Guam education courses for NMC's School of
3 Education.

4 Admit: _____ Deny: _____

5
6 21. That Angello taught at the NMC Adult School in 1998/99.

7 Admit: _____ Deny: _____

8
9 22. That Angello had a grievance hearing on 8/27/02, whereby it
10 was agreed to have Angello meet with President Wright to
11 resolve the issues in a management meeting.

12 Admit: _____ Deny: _____

13
14 23. That Angello met with President Wright on September 3, 2002,
15 and there was discussion of vocational goals to accomplish and
16 there was no mention of eliminating Angello's position.

17 Admit: _____ Deny: _____

18 24. That NMC had approximately ninety students enrolled in
19 vocational courses in the Fall of 2002 on Saipan, Tinian and
20 Rota, including audio/visual classes, construction classes, and
21 automotive service classes.

22 Admit: _____ Deny: _____

23 25. That Angello, with President Wright's approval and Eric
24 Plinkse's assistance, seek financial assistance for NMC's
25 vocational programs at the governor's office and legislature.

26 Admit: _____ Deny: _____

1 26. That on 9/24/02, Angello received \$25,000.00 from the Lt.
2 Governor's Office, in support of "the under-funded Vocational
3 Education Department."

4 Admit: _____ Deny: _____

5
6 27. That NMC's Board of Regents had a regular meeting on 9/23/02.

7 Admit: _____ Deny: _____

8
9 28. That in the BOR regular meeting on 9/23/03, the BOR did not
10 announce any personnel items of business for the executive
11 session prior to going into the 9/23/02 executive session.

12 Admit: _____ Deny: _____

13
14 29. That in the NMC BOR Executive Session on 9/23/02, a listing of
15 eleven individuals to be terminated, including Angello, was
16 "passed around for the Regents to review," and a question and
17 answer period followed.

18 Admit: _____ Deny: _____

19
20 30. That the BOR acknowledged the list of eleven terminated
21 individuals, including Angello, during the executive session on
22 9/23/02.

23 Admit: _____ Deny: _____

24 31. That at the end of the NMC BOR Executive Session on 9/23/02,
25 "Regent Chair ended the executive session and reconvened the
26 regular meeting of the board."

27 Admit: _____ Deny: _____

1 32. That after the BOR executive session ended on 9/23/02, the
2 BOR did not announce any personnel action items (eleven
3 terminations, including Angello) of business that had been
4 reviewed in the executive session, and the 9/23/02 regular
5 meeting was adjourned.

6
7 Admit: _____ Deny: _____

8 33. That the NMC Board of Regents did not disapprove the list of
9 eleven terminations in the 9/23/02 executive session.

10 Admit: _____ Deny: _____

11 34. That the same individuals on the list of eleven terminations,
12 including Angello, which was passed around in the BOR
13 executive session on 9/23/02, were the same individuals
14 terminated on 9/24/02.

15 Admit: _____ Deny: _____

16 35. That Angello still had a pending grievance and EEO complaint
17 against NMC when he was terminated on 9/23/02.

18
19 Admit: _____ Deny: _____

20 36. That in 1999 the NMC Pacific Rim Academy program was BOR-
21 approved prior to the Pacific Gateway Project.

22 Admit: _____ Deny: _____

23 37. That the Lessee of the Pacific Rim Academy program had to
24 threaten legal action to finally get NMC to offer the Pacific Rim
25 Academy's audio/visual classes in the Spring of 2002.

26 Admit: _____ Deny: _____

1 38. That according to the independent auditor's report on the audit
2 of NMC financial statements for fiscal years 2002 and 2003, the
3 total operating expenses for both years, including salaries, were
essentially the same.

4 Admit: _____ Deny: _____
5

6
7 39. That according to the independent auditor's report on the audit
8 of NMC financial statements for fiscal years 2002 and 2003, the
9 total expenses for salaries were essentially the same (less than 1
and ½ percent difference).

10 Admit: _____ Deny: _____
11

12 40. That NMC reprogrammed budgeted money from unfilled NMC
13 personnel positions to cover expenses of the La Fiesta
14 operations and maintenance.

15 Admit: _____ Deny: _____
16

17 41. That if CNMI Government employees, including NMC
18 employees, are not exempt from the CNMI Civil Service System
19 and its Personnel Service System Rules and Regulations
(PSSR&R), they cannot be terminated without cause.

20 Admit: _____ Deny: _____
21

22 42. That the CNMI Civil Service Commission has already
23 determined that Angello is not exempt from the CNMI Civil
24 Service System and, based solely on that determination, he
should not have been terminated without cause from NMC.

25 Admit: _____ Deny: _____
26
27
28

1 43. That Angello was qualified to teach at NMC in English and
2 School of Education courses.

3 Admit: _____ Deny: _____
4

5 44. That Angello had been teaching at NMC for the NMC Adult
6 School and the School of Education during 1998- 2001.

7 Admit: _____ Deny: _____
8

9 45. That NMC had vacancies for NMC instructor positions when
10 Angello was terminated in 2002.

11 Admit: _____ Deny: _____
12

13
14 46. That NMC had vacancies for non-faculty staff positions when
15 Angello was terminated in September of 2002.

16 Admit: _____ Deny: _____
17

18 47. That NMC Board of Regents' Policies state that employees in
19 administration, who are subject to reduction in force, should be
20 offered positions, if qualified, in the teacher faculty ranks.

21 Admit: _____ Deny: _____
22

23 48. That from November of 2002 to July of 2004, Angello has
24 applied and has been certified as qualified for the following
25 positions at NMC: President, Vice President for Programs &
26 Services, Dean of Academic Programs & Services, Dean for
27 Student Development, Director for the School of Education,
28 Director for Institutional Effectiveness, Director for the
 Community Development Institute, Director for Public
 Relations, Program Manager III for NMI National Occupational
 Information Coordinating Committee, Principal of the College
 Lab School, Assistant Principal for the School of Education,
 School of Education Instructor, Instructor/Program Coordinator

1 III for Tinian Campus, Program Coordinator for
2 Marketing/Public Relations, Administrative Manager II for the
3 Human Performance & Athletics Department, Bookstore
4 Manager, Bookstore Assistant II, Administrative Manger II for
Community Development Institute, and Procurement & Property
Management Supply Specialist II.

5
6 Admit: _____ Deny: _____

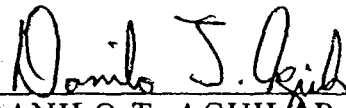
- 7
8 49. That NMC did not offer any re-assignment to Angello for any
9 open vacancies in September, October, or November of 2002,
nor did NMC offer any open instructor vacancies to Angello in
September, October, or November of 2002.

10
11 Admit: _____ Deny: _____

- 12
13 50. That NMC's Barbara Moir knew of Angello's grievances and
14 EEO complaints in the periods of 1998-99 and 2001-2002.

15 Admit: _____ Deny: _____

16
17 Dated this 20th day of February, 2005.

18
19 
20 DANILO T. AGUILAR,
21 Attorney for Plaintiff
22 John Jack Angello
23
24
25
26
27
28

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Attorneys for Defendant Northern Marianas College.

IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

JOHN (JACK) ANGELLO,

Plaintiff,

vs.

NORTHERN MARIANAS COLLEGE,

Defendants.

Civil Action No. 03-0014

**ANSWERS AND OBJECTIONS
TO PLAINTIFF'S FIRST REQUEST
FOR ADMISSIONS**

Defendant Northern Marianas College ("NMC") hereby answers and objects to Plaintiff's

First Request for Admissions as follows:

General Objections

1. NMC objects to the instructions and definitions of Angello to the extent that they seek to impose obligations which exceed or differ from those imposed by the Federal Rules of Civil Procedure.

NMC Answers to RFAs -- Page 1 of 8



ORIGINAL

RECEIVED

The Law Offices of
DANILO T. AGUILAR
Attorney at Law

Date: 04/22/05

Time: 3:50 pm

File # by: [Signature]

2. Further, NMC objects to the definitions of Angello. In preparing to and in answering these request for admissions, NMC has made reasonable inquiry of those individuals believed to have knowledge to obtain correct and complete answers. However, NMC is not responsible for and it is unreasonable (and therefore objectionable) for Angello to suggest that NMC answers these requests on behalf of "its Board of Regents, President, faculty, staff, directors, its officers, any and all employees, attorneys, accountants, agents, assigns, or predecessors."

3. NMC's answers are not intended to waive or prejudice any objection NMC might assert as to the admissibility, relevancy, or discoverability of any answer or category of answers. In particular, NMC objects to the relevancy of the requests to Angellos two remaining claims that he was terminated because of his sex and terminated because of retaliation

4. NMC objects because the requests are excessive and contrary to the intent and purpose for such requests; and NMC objects because it is believed that the requests are being asked to assist or bolster Angello in his other grievances/actions/proceedings against NMC and for Angello to use in other settings, places and matters. Accordingly, these answers are being offered for purposes of the pending action only.

5. These General Objections are incorporated into each and all of the following answers.

Answer to Request No. 1

Without waiving, and subject to, its General Objections: ADMIT

Answer to Request No. 2

Without waiving, and subject to, its General Objections: ADMIT

Answer to Request No. 3

Without waiving, and subject to, its General Objections: ADMIT

Answer to Request No. 4

Without waiving, and subject to, its General Objections: After a reasonable inquiry, the information known or readily obtainable was insufficient to enable NMC to truthfully admit or deny this request.

Answer to Request No. 5

Without waiving, and subject to, its General Objections: NMC cannot truthfully admit or deny the matter because it is not certain what "male sexual harassment training" is or if the regular EEOC training in which NMC participates counts as such training.

Answer to Request No. 6

Without waiving, and subject to, its General Objections: DENY; although NMC received some documents on 3-9-01, this is noted as a denial because NMC is unable, after reasonable inquiry, to verify exactly was submitted, if it was new or if it contained approximately 300 pages.

Answer to Request No. 7

Without waiving, and subject to, its General Objections: ADMIT

Answer to Request No. 8

Without waiving, and subject to, its General Objections: ADMIT

Answer to Request No. 9

Without waiving, and subject to, its General Objections: ADMIT

Answer to Request No. 10

Without waiving, and subject to, its General Objections: ADMIT

Answer to Request No. 11

Without waiving, and subject to, its General Objections: ADMIT

Answer to Request No. 12

Without waiving, and subject to, its General Objections: ADMIT

Answer to Request No. 13

Without waiving, and subject to, its General Objections: ADMIT

Answer to Request No. 14

Without waiving, and subject to, its General Objections: ADMIT; however, this calculation of years was a compromise and agreement that such calculation was only effective from November 11, 2002, forward.

Answer to Request No. 15

Without waiving, and subject to, its General Objections: ADMIT

Answer to Request No. 16

Without waiving, and subject to, its General Objections: After a reasonable inquiry, the information known or readily obtainable was insufficient to enable NMC to truthfully admit or deny this request.

Answer to Request No. 17

Without waiving, and subject to, its General Objections: DENY

Answer to Request No. 18

Without waiving, and subject to, its General Objections: DENY

Answer to Request No. 19

Without waiving, and subject to, its General Objections: After a reasonable inquiry, the information known or readily obtainable was insufficient to enable NMC to truthfully admit or deny this request.

Answer to Request No. 20

Without waiving, and subject to, its General Objections: DENY

Answer to Request No. 21

Without waiving, and subject to, its General Objections: ADMIT

Answer to Request No. 22

Without waiving, and subject to, its General Objections: ADMIT

Answer to Request No. 23

Without waiving, and subject to, its General Objections: After a reasonable inquiry, the information known or readily obtainable was insufficient to enable NMC to truthfully admit or deny this request.

Answer to Request No. 24

Without waiving, and subject to, its General Objections: ADMIT

Answer to Request No. 25

Without waiving, and subject to, its General Objections: ADMIT

Answer to Request No. 26

Without waiving, and subject to, its General Objections: ADMIT, in part; however, after a reasonable inquiry, the information known or readily obtainable was insufficient to enable NMC to truthfully admit or deny if anyone stated “the under-funded Vocational Education Department.”

Answer to Request No. 27

Without waiving, and subject to, its General Objections: ADMIT

Answer to Request No. 28

Without waiving, and subject to, its General Objections: ADMIT

Answer to Request No. 29

Without waiving, and subject to, its General Objections: DENY due to mischaracterization of the session and question and answer period and a lack of knowledge regarding the quote and its context.

Answer to Request No. 30

Without waiving, and subject to, its General Objections: ADMIT

Answer to Request No. 31

Without waiving, and subject to, its General Objections: After a reasonable inquiry, NMC is unable to truthfully admit or deny this request due to a lack of knowledge regarding the quote and its context.

Answer to Request No. 32

Without waiving, and subject to, its General Objections: DENY

Answer to Request No. 33

Without waiving, and subject to, its General Objections: After a reasonable inquiry, the information known or readily obtainable was insufficient to enable NMC to truthfully admit or deny this request.

Answer to Request No. 34

Without waiving, and subject to, its General Objections: ADMIT

Answer to Request No. 35

Without waiving, and subject to, its General Objections: ADMIT

Answer to Request No. 36

Without waiving, and subject to, its General Objections: Irrelevant.

Answer to Request No. 37

Without waiving, and subject to, its General Objections: Irrelevant

Answer to Request No. 38

Without waiving, and subject to, its General Objections: DENY, due to paraphrasing of a report and the vagueness of terms. The report would speak for itself.

Answer to Request No. 39

Without waiving, and subject to, its General Objections: DENY, due to paraphrasing of a report and vagueness of terms. The report would speak for itself.

Answer to Request No. 40

Without waiving, and subject to, its General Objections: Irrelevant

Answer to Request No. 41

Without waiving, and subject to, its General Objections: This is not a proper request under the rules.

Answer to Request No. 42

Without waiving, and subject to, its General Objections: This is not a proper request under the rules.

Answer to Request No. 43

Without waiving, and subject to, its General Objections: Vague and without time reference.

Answer to Request No. 44

Without waiving, and subject to, its General Objections: After a reasonable inquiry, the information known or readily obtainable was insufficient to enable NMC to truthfully admit or deny this request.

Answer to Request No. 45

Without waiving, and subject to, its General Objections: ADMIT

Answer to Request No. 46

Without waiving, and subject to, its General Objections: ADMIT

Answer to Request No. 47

Without waiving, and subject to, its General Objections: Vague, no time frame.

Answer to Request No. 48

Without waiving, and subject to, its General Objections: ADMIT, but deny that all position names listed are correctly stated.

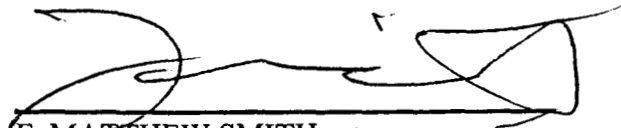
Answer to Request No. 49

Without waiving, and subject to, its General Objections: ADMIT

Answer to Request No. 50

Without waiving, and subject to, its General Objections: ADMIT

As to objections.


F. MATTHEW SMITH
Attorney for NMC 2/22/05